

Washington University Law Review

Volume 1973 | Issue 4

January 1973

Subject Index

Follow this and additional works at: https://openscholarship.wustl.edu/law_lawreview

Recommended Citation

Subject Index, 1973 WASH. U. L. Q. 977 (1973).

Available at: https://openscholarship.wustl.edu/law_lawreview/vol1973/iss4/20

This Index is brought to you for free and open access by the Law School at Washington University Open Scholarship. It has been accepted for inclusion in Washington University Law Review by an authorized administrator of Washington University Open Scholarship. For more information, please contact digital@wumail.wustl.edu.

SUBJECT INDEX

| A | PAGE | | PAGE |
|---|--------|---|---------|
| ADMINISTRATIVE LAW | | COURTS | |
| Exhaustion of administrative remedies in selective service cases _____ | 939-48 | Article III and legislative _____ | 381-88 |
| See: <i>Constitutional Law</i> | | Court Reform and Criminal Procedure Act of 1970 _____ | 398-404 |
| ADMIRALTY | | District of Columbia courts _____ | 396-404 |
| Maritime jurisdiction, longshoremen _____ | 649-78 | United States tax court _____ | 388-96 |
| Longshoremen's Act _____ | 666-78 | History _____ | 388-90 |
| Pre-Longshoremen's Act _____ | 650-66 | 1969 Tax Reform Act _____ | 390-93 |
| Remedies _____ | 664-66 | Post-1969 decisions _____ | 394-96 |
| Seaworthiness warranty _____ | 650-61 | See: <i>Constitutional Law</i> | |
| Third-party indemnity actions _____ | 662-64 | CRIMINAL LAW | |
| C | | Appointment of counsel for indigent defendants _____ | 821-42 |
| CONSTITUTIONAL LAW | | Effect on criminal justice system _____ | 837-42 |
| Article III courts _____ | 381-88 | Financial contribution by defendant _____ | 831-32 |
| The Burger Court _____ | 747-78 | Routine appointment of counsel _____ | 825-26 |
| Civil rights _____ | 749-55 | Screening out defendants who can hire an attorney _____ | 826-42 |
| Civil Rights Acts _____ | 750 | Appointed counsel for the "ineligible" _____ | 833-37 |
| Education and desegregation _____ | 749-50 | Defendant's financial resources _____ | 826-27 |
| Equal protection _____ | 755 | Impracticability of screening _____ | 827-29 |
| Voting rights _____ | 751-53 | Right to defend <i>pro se</i> _____ | 679-707 |
| Indigents _____ | 756-64 | Constitutional dispute _____ | 695-707 |
| Criminal justice system _____ | 761-64 | See: <i>Evidence</i> | |
| Divorce _____ | 760-61 | <i>Insanity Defense</i> | |
| Education _____ | 757-58 | <i>Prisoners' Rights</i> | |
| Welfare rights _____ | 758-60 | D | |
| "Limited Role" of the Burger Court _____ | 767-76 | DRAM SHOP ACTS | |
| Role of the judiciary in social change _____ | 765-67 | Application to non-commercial suppliers of liquor _____ | 708-15 |
| District of Columbia courts _____ | 401-04 | E | |
| First Amendment—distribution of handbills _____ | 427-35 | ESTATE PLANNING | |
| Imposition of filing fees on indigents _____ | 462-67 | Testamentary disposition | |
| <i>Miranda</i> warnings in welfare investigations _____ | 455-61 | Alternate gifts—conditions _____ | 10-13 |
| See: <i>Criminal Law</i> | | Class gifts _____ | 13-15 |
| <i>Evidence</i> | | Discovering testator's priorities _____ | 2-7 |
| <i>Juvenile Courts</i> | | Lapse _____ | 8-9 |
| <i>Juveniles, Right to Treatment</i> | | Termination of supportive estates _____ | 12-13 |
| <i>Married Woman's Surname</i> | | EVIDENCE | |
| <i>Prior Uncounseled Convictions, Defendant's Right to Protection from Search and Seizure</i> | | Effect of trial judge's view of property in condemnation proceeding _____ | 727-33 |
| <i>Venue in Juvenile Courts</i> | | | |

| | |
|--|---------|
| Exclusionary rule | |
| Police coercion of witnesses' testimony | 865-88 |
| Third-party standing | 869-86 |
| Fifth Amendment | 874-86 |
| Fourth Amendment | 869-73 |
| Non-statutory inferences and due process | 897-907 |
| See: <i>Paternity Suits</i> | |

F

FEDERAL ESTATE TAX

See: *Wrongful Death*

FEDERAL RULES OF APPELLATE PROCEDURE

| | |
|---|--------|
| Limiting oral argument and deciding cases without written opinion under Rule 47 | 265-74 |
| Time allowed for argument under Rule 34(b) | 306-09 |

FEDERAL RULES OF CIVIL PROCEDURE

See: *Stockholders' Derivative Actions*

FOOD STAMPS

See: *Labor Law*

FUTURE INTERESTS

See: *Estate Planning*

I

INSANITY DEFENSE

| | |
|---|---------------|
| Abolition of insanity defense | 79-86 |
| Arguments against | 82-84 |
| Arguments in favor of | 79-82, 134-38 |
| Judicial restraint | 144-48 |
| Amicus curiae briefs in <i>United States v. Brawner</i> | |
| Generally | 70-73 |
| Psychological testimony | 73-77 |
| Public hospitals, role of | 77-79 |
| Continued use of expert testimony | 57-66 |
| Behavioral scientists as experts | 62-66 |
| Intent, expert testimony on | 60 |
| District of Columbia, insanity defense in | 19-37 |
| ALI-Model Penal Code formulation | 34, 36-37 |
| Adoption of in <i>United States v. Brawner</i> | 36-37, 122-23 |
| Criticism of | 148-50 |
| Exonerated, meaning after acquittal | 132-33 |
| Burden of proof | 21-24, 33-34 |
| Diminished responsibility (capacity) | 123-24 |
| Directed verdicts | 27-28, 31 |

| | |
|--|-------------------------|
| <i>Durham</i> rule | 22-27, 110-11 |
| "Mental disease or defect" | 24-26, 30-32, 36-37 |
| "Product"—causal relationship | 24, 26-27, 29-30, 36-37 |
| "Irresistible impulse" test | 19-24 |
| M'Naghten (right-wrong) Rule | 19-24 |
| Reliance upon expert testimony | 26-35 |
| Social factors as exculpating | 119-21 |
| When defense becomes operative | 129-31 |
| Limiting use of expert testimony | 38-56 |
| <i>Durham</i> rule | 38-53 |
| Psychiatric evidence | 53-56 |
| Attendance of counsel at hospital staff meetings | 55-56 |
| Conflict of interest of hospital doctors | 53-54 |
| Jury instruction before trial | 56 |
| Mental condition of defendant | 138-44 |
| Non-jury trials | 54-55 |
| Pretrial examination, adequacy of | 54 |
| Reluctance to testify | 115-17 |
| Psychiatrists' views of insanity defense | 87-125 |
| Malingering | 102-03 |
| Mental disease | |
| Definitional problems | 103-05 |
| Libertarian view: Szasz | 118-19 |
| Treatment | 117-18 |
| Sanity test | |
| As a prognostic test | 91-93 |
| Reliability of | 93-96 |
| Validity of | 96-102 |
| Validity of insanity defense | 105-08 |
| Heroin addiction | 107 |
| Sex offenders | 107-08 |

INTERNAL REVENUE CODE

| | |
|---|--------|
| Payments to medical residents & interns | 228-34 |
| "Primary purpose" test | 230 |
| "Quid pro quo" test | 231-33 |

J

JUDGES

See: *Trials*

JUVENILE COURTS

| | |
|--|--------|
| Jurisdiction—prosecutorial discretion and waiver | 436-44 |
| See: <i>Venue in Juvenile Courts</i> | |

JUVENILES, RIGHT TO TREATMENT

| | |
|------------------------------|--------|
| Constitutional requirement | |
| Cruel and unusual punishment | 177-78 |
| Due process | 173-75 |
| Equal protection | 175-77 |

| | PAGE |
|---|--------|
| Mental health, right to treatment | 162-65 |
| Impact of constitutional right to treatment on juvenile justice process | 178-93 |
| Judicial review | 185-90 |
| Selection of dispositional alternatives | 180-83 |
| Non-institutional treatment in correction process | 193-96 |

L

LABOR LAW

| | |
|---|---------|
| Individual employee activity under NLRA § 7 | 931-38 |
| Public subsidies for strikers | |
| Arguments for and against subsidies | 520-27 |
| Food stamps | 511-20 |
| Economic impact of subsidies | 527-40 |
| Preemption doctrine | 541-48 |
| Unemployment compensation | 494-511 |
| "Labor dispute" disqualification | 497-511 |
| Social Security Acts | 495-511 |
| Welfare benefits | 470-94 |
| Aid to families with dependent children | 476-79 |
| Federal Emergency Relief Act | 471-73 |
| Judicial considerations | 484-90 |
| Pre-Depression | 470-71 |
| Preemption doctrine | 490-93 |
| Social Security Act | 473-74 |
| State opposition | 479-84 |
| Union relief programs | 474-75 |

LANDLORD AND TENANT

| | |
|--|--------|
| Implied warranty of habitability in residential leases | 949-55 |
|--|--------|

M

MARRIED WOMAN'S SURNAME

| | |
|---|---------|
| Case law | 783-95 |
| Assumption of husband's surname | 783-85 |
| Motor vehicle registration | 787-88 |
| Retention of pre-marriage surname | 789-95 |
| Voting rights | 785-87 |
| Constitutional considerations | 795-806 |
| History of surnames | 780-83 |

A MODEL ACT FOR THE PROTECTION OF RIGHTS OF PRISONERS

See: *Prisoners' Rights*

N

NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

| | |
|--|--------|
| Threshold determinations by federal agencies | 235-44 |
|--|--------|

| | PAGE |
|--|--------|
| Judicial review of agency determinations | 239-42 |
| Limitations on agency discretion | 238-39 |

P

PATERNITY SUITS

| | |
|------------------------------------|--------|
| Exhibition of child in court | 245-51 |
|------------------------------------|--------|

PRIOR UNCOUNSELED CONVICTIONS, DEFENDANT'S RIGHT TO PROTECTION FROM

| | |
|--------------------------------------|---------|
| Retroactivity of <i>Gideon</i> | 209-12 |
| Subsequent proceedings | 198-99 |
| Used to enhance punishment | 199-203 |
| Used to suppress guilt | 203-09 |

PRISONERS' RIGHTS—MODEL ACT

| | |
|--|-------------------------|
| Basic prisoner needs | 571-74 |
| Central principle | 570-71, 610 |
| Correctional programs, need for | 617-19 |
| Discipline | 594-603, 612-14, 635-37 |
| Discretionary power, limitation of | 564-70, 605-06, 631-33 |
| Discriminatory treatment, prohibition of | 611 |
| Draftsman's comment | 553-61 |
| First Amendment rights | 574-94 |
| Political freedom | 578-92 |
| Communications | 589-92 |
| Correspondence | 583-88 |
| Reading Matter | 579-83 |
| Religion | 574-78 |
| Grievance procedures | 603-05, 614, 622-24 |
| Judicial review | 605, 614, 625-26 |
| Personal appearance | 637-38 |
| Preparation and intent | 628-31 |
| Solitary confinement | 594-97, 612-13, 621-22 |
| Text | 643-46 |
| Visiting rights | 592-94, 614-15, 626-28 |

S

SCREENING AND SUMMARY PROCEDURES IN U.S. COURTS OF APPEALS

| | |
|---|----------------|
| Decisions without written opinion | 271-74, 287-89 |
| Fifth Circuit procedures | 274-81 |
| Classification of cases | 275-81 |
| Statistical impact of classification | 277-81 |
| Impact of procedures | 281-83 |
| Increase in productivity | 281-83 |
| Limiting oral argument | 265-69, 283-87 |
| Motions to dismiss or affirm | 269-71 |
| Objections to procedures | 289-319 |
| Composition of court under 28 U.S.C. § 46 | 300-06 |
| Due process | 289-300 |
| Effect of procedures on | |

| | PAGE |
|--|--------|
| result | 309-19 |
| Time allowed for argument under Fed. R. App. P. 34, 37 | 306-09 |
| Traditional solutions | 260-64 |

SEARCH AND SEIZURE

| | |
|---|--------|
| Border searches and probable cause | 889-96 |
|---|--------|

SECURITIES EXCHANGE

ACT OF 1934

| | |
|--|--------|
| § 16(b) short swing profits in two-step transaction | 213-18 |
| Preferential treatment of 10% owners | 217 |

SELECTIVE SERVICE

See: *Administrative Law*

STATE IMMUNITY

See: *Torts*

STOCKHOLDERS' DERIVATIVE ACTIONS

| | |
|--|-------------|
| Notice of proposed dismissal .. | 219-27 |
| Federal Rule of Civil Procedure 41(b) | 220, 223-25 |
| Federal Rule of Civil Procedure 23.1 | 221-27 |

T

TORTS

| | |
|---|--------|
| Equal protection and state immunity from tort liability.. | 716-26 |
| Municipality's common law liability for police torts | 908-18 |

TRIALS

| | |
|---|--------|
| Judicial intervention and appellate review | 853-62 |
| Judicial intervention in trials .. | 843-64 |
| Admonitions to counsel | 851-52 |
| Comments on evidence | 845-47 |
| Right to examine witnesses .. | 847-51 |

PAGE

U

UNEMPLOYMENT COMPENSATION

See: *Labor Law*

V

VENUE IN JUVENILE COURTS

| | |
|-------------------------------|--------|
| Constitutional right | 423-26 |
| Informal transfer | 415-23 |
| St. Louis metropolitan area.. | 415-20 |
| Other states | 420-23 |
| Venue statutes | 408-15 |

W

WELFARE

See: *Constitutional Law*
Labor Law

WRONGFUL DEATH

| | |
|---|--------|
| American common law | 327-28 |
| Causation problems | 352-54 |
| Conflict of laws | 365 |
| Contributory negligence | 357-62 |
| Damages | 343-52 |
| Federal Employers Liability Act | 345-46 |
| Limitations on recovery | 346-64 |
| Mitigation and aggravation .. | 348-52 |
| Pecuniary loss rule | 343-52 |
| English law | 327-28 |
| Federal estate taxation of proceeds | 445-54 |
| Pre-natal injury and death | 366 |
| Proper plaintiff | 336-43 |
| Proposed amended Missouri Wrongful Death Act | 369-78 |
| Simultaneous death | 363 |
| Statutes categorized | 330 |
| Statutes of limitation | 354-57 |
| Survival statutes distinguished.. | 331-36 |